

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ANDREW GONZALES,

Petitioner,

v.

CIV 13-00616 LH/LF

JOSEPH GARCIA, et al,

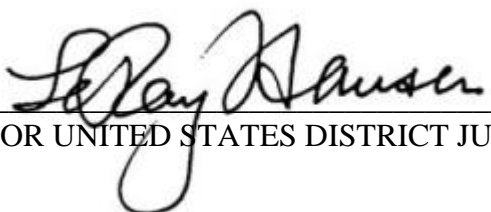
Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED
FINDINGS AND RECOMMENDED DISPOSITION**

The magistrate judge filed her Proposed Findings and Recommended Disposition ("PF&RD") on May 26, 2016 (Doc.75). The proposed findings notified the parties of their ability to file objections within fourteen (14) days, and that failure to do so waives appellate review. On June 2, 2016, the respondents filed their notice of non-objection to the magistrate judge's PF&RD. Doc. 76. To date, petitioner Andrew Gonzales has not filed any objections, and there is nothing in the record indicating that the proposed findings were not delivered.

IT IS THEREFORE ORDERED AS FOLLOWS:

1. The magistrate judge's Proposed Findings and Recommended Disposition (Doc. 75) is ADOPTED;
2. Petitioner Andrew Gonzales's amended petition (Doc. 12) is granted;
3. The judgment of conviction entered against petitioner Andrew Gonzales on August 23, 2011, in case number D-1116-CR-2011-98-6 by the Eleventh Judicial District Court of San Juan County, New Mexico is hereby VACATED; and
4. A final order is entered concurrently with this order.


SENIOR UNITED STATES DISTRICT JUDGE